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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,919	09/20/2000	Venkatachari Dilip	CE1-002US	8530

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EXAMINER

SHIH, SALLY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,919

Applicant(s)

DILIP ET AL.

Examiner

Sally Shih

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is response to Applicant's amendment filed on April 29, 2003. The rejections are as stated below:

Status of Claims

2. Of the original claims 1-47, claims 31 and 33 have been amended. Additionally, the applicant has added new claims 48-60. Therefore, claims 1-60 are under prosecution in this application.

Summary of this Office Action

3. Applicant's arguments filed on April 29, 2003 have been fully considered, and discussed in the next section below or within the following rejection are not deemed to be persuasive. Therefore, claims 48-60 are rejected as being unpatentable over the art cited below, and Applicant's request for allowance is respectfully denied.

Response to Applicant's Amendment

4. The amended title has been accepted and entered into the record. Additionally, the Examiner acknowledges Applicant's amended claims 31 and 33 and additional claims 48-60. Please see below for rejection with respect to these claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 31-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Musmanno et al. (United States Patent Number 5,940,809).

Claim 31. (Amended) Musmanno et al. discloses a method comprising:

analyzing a plurality of accounts having a common account holder, wherein at least one of the plurality of accounts is associated with a first financial institution and at least one of the plurality of accounts is associated with a second financial institution (Abstract, Fig. 5 and column 7, lines 66-67 and column 8, lines 1-10);

determining whether an adjustment of funds among the plurality of accounts would benefit the account holder (Abstract, Fig. 5 and column 8, lines 11-25); and

transferring funds between the plurality of accounts if such a transfer would benefit the account holder (Abstract, Fig. 5 and column 8, lines 41-49).

Claim 33. (Amended) Musmanno et al. discloses a method as recited in claim 31 wherein transferring funds includes transferring funds from a first account at the first financial institution to a second account at the second financial institution (Abstract, Fig. 5 and column 8, lines 1-10, 26-49).

7. The applicant has amended Claim 31. Because Claim 31 is an independent claim and has been rejected under a different reference necessitated by the amendment, the dependent claims are rejected as follows:

Claims 32 and 34-37: Abstract, Fig. 5, column 7, lines 66-67 and column 8, lines 1-66.

8. Claims 48-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Musmanno et al. (United States Patent Number 5,940,809).

Claim 48. Musmanno et al. discloses a method comprising:

initiating a transfer of funds from a first account at a first financial institution to a second account at a second financial institution, wherein the transfer of funds is performed using an Automated Clearing House network; and wherein the first account and the second account have a common account holder (Abstract and Fig. 5-8).

Claim 49. Musmanno et al. discloses a method as recited in claim 48 wherein the first account and the second account are asset accounts (Abstract and column 2, lines 28-47).

Claim 50. Musmanno et al. discloses a method as recited in claim 48 wherein the transfer of funds is effectuated using a debit instruction and a credit instruction (Abstract, column 2, lines 28-47 and column 8, lines 1-7).

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Claim 51. Musmanno et al. discloses a method comprising:

initiating a withdrawal of funds from a first account at a first financial institution, wherein an instruction for the withdrawal of funds is initiated by an entity other than the first financial institution (Abstract, Fig. 5-8, column 2, lines 28-47 and column 8, lines 1-7); and

initiating a deposit of the withdrawn funds to a second account at a second financial institution (Column 8, lines 50-56).

Claim 52. Musmanno et al. discloses a method as recited in claim 51 wherein the first account and the second account are asset accounts (Abstract and column 8, lines 1-7).

Claim 53. Musmanno et al. discloses the method as recited in claim 51 wherein the deposit of withdrawn funds utilizes an ATM network (Abstract and column 8, lines 1-7).

Claim 54. Musmanno et al. discloses the method as recited in claim 1 wherein the second account is a new account being funded by assets from the first account (Abstract and column 8, lines 1-7).

Claim 55. Musmanno et al. discloses the method as recited in claim 22 wherein the second registered account is a new account being funded by assets from the first registered account (Abstract and column 8, lines 1-7).

Claim 56. Musmanno et al. discloses a method comprising:

opening a new account at a first financial institution (Fig. 2 and column 5, lines 7-9);

identifying a second account at a second financial institution (Fig. 5 and column 7, lines 49-50); and

initiating a transfer of funds from the second account to the new account, wherein the new account and the second account have a common account holder (Column 8, lines 50-56).

Claim 57. Musmanno et al. discloses a method as recited in claim 56 wherein the transfer of funds from the second account to the new account utilizes an Automated Clearing House network (Abstract and Fig. 5-8).

Claim 58. Musmanno et al. discloses a method as recited in claim 56 wherein the transfer of funds from the second account to the new account utilizes a payment processor (Fig. 2).

Claim 59. Musmanno et al. discloses a method as recited in claim 56 wherein the transfer of funds from the second account to the new account issues a debit instruction associated with the second account and a credit instruction associated with the new account (Column 8, lines 50-56).

Claim 60. Musmanno et al. discloses a method as recited in claim 56 wherein the new account is an asset account (Abstract and column 8, lines 1-7).

Response to Applicant's Argument

7. The Examiner acknowledges Applicant's arguments with respect to claims 1-47. The Applicant's arguments have been fully considered, and discussed in the next section below are not deemed to be persuasive.

8. Claims 1-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Musmanno et al. United States Patent Number 5,826,243 as discussed from the third paragraph of page 2 of paper number 8.

9. The only argument made by the applicant is that “the Musmanno reference failed to disclose or handling financial transactions at two different financial institutions”. To the contrary, the Musmanno reference specifically referred to mainframe that is connected “to other financial institutions (116), such as banks and debit/credit card networks”. Please see column 3, lines 52-61 and Fig. 1. Accordingly, the applicant’s argument is not persuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7658 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sys
July 10, 2003



HANI M. KAZIMI
PRIMARY EXAMINER